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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUTH MERY ARGUETA,

Defendant.

Case No. 2:23mj135 CMR

COMPLAINT

VIOS:

21 USC §841(a)(1) – Possession of
Fentanyl with Intent to Distribute

21 USC §841(a)(1) – Possession of
Heroin with Intent to Distribute

Judge Cecilia M. Romero

Before the Honorable Cecilia M. Romero, United States Magistrate Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1

**21 U.S.C §841(a)(1)
(Possession of Fentanyl with Intent to Distribute)**

On or about February 09, 2023 in the District of Utah,

RUTH MERY ARGUETA,

the defendant herein, did knowingly and intentionally possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propanamide (“Fentanyl”), a Schedule II controlled substance; in violation of 21 U.S.C. § 841(a)(1), and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 2

**21 U.S.C §841(a)(1)
(Possession of Heroin with Intent to Distribute)**

On or about February 09, 2023 in the District of Utah,

RUTH MERY ARGUETA,

the defendant herein, did knowingly and intentionally possess with intent to distribute 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance; in violation of 21 U.S.C. § 841(a)(1), and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

Agent Background

1. I, Graham Phillips, am an agent with the Drug Enforcement Administration. I am currently assigned to the DEA Salt Lake City District Office. I have worked as a sworn federal law enforcement officer in the State of Utah since January 17, 2023. I completed the Drug Enforcement Administration Basic Agent Academy on November 10, 2022, where I received extensive training for over 4 months in complex domestic and international narcotics investigations, advanced undercover narcotics investigations, and drug smuggling investigations. I am familiar with the facts and circumstances alleged in this Complaint.

2. I am aware that the elements of Possession of Fentanyl with the Intent to Distribute as alleged herein are:

One, that the defendant possessed a mixture or substance containing a detectable amount of fentanyl;

Two, that she did so knowingly and intentionally;

Three, that at the time defendant possessed the fentanyl, she intended to distribute it to another person or persons; and

Four, the amount of fentanyl was 400 grams or more.

3. I am aware that the elements of Possession of Heroin with the Intent to Distribute as alleged herein are:

One, that the defendant possessed a mixture or substance containing a detectable amount of heroin, and;

Two, that he/she did so knowingly and intentionally, and;

Three, that at the time defendant possessed the mixture or substance containing heroin, she intended to distribute it; and

Four, the amount of heroin was 1 kilogram or more.

Statement of Probable Cause

4. On or about February 9, 2023, Trooper Odenbach with the Utah Highway Patrol conducted a traffic stop on a Nissan Frontier pickup truck for an equipment violation pursuant to Utah traffic code. Upon contact with the driver, who was the sole occupant of

the vehicle identified as RUTH MERY ARGUETA, Trooper Odenbach detected the odor of burnt marijuana. Trooper Odenbach asked the defendant if she possessed a medical marijuana card, she indicated that she did not. Trooper Odenbach asked the defendant if there were any marijuana products in the vehicle, the defendant indicated that there were and showed Trooper Odenbach the marijuana and marijuana grinder.

5. Trooper Odenbach advised the defendant that a search of the vehicle would take place. During the subsequent search, Troopers located approximately 19 pounds (approximately 8.5 kilograms) of fake blue M30 pills purported to contain fentanyl, over 1 kilogram of heroin, a loaded firearm, and approximately 1 ounce of raw marijuana, rolling papers, over \$4,000 dollars in US currency, and a burnt marijuana joint within the passenger compartment of the truck.

6. TFO Holt, TFO Tittensor, and SA Phillips of the Drug Enforcement Administration responded to the Utah Highway Patrol office and attempted an interview of ARGUETA. ARGUETA requested an attorney be present for questioning. No interview was given.

7. DEA agents took custody of the evidence and transported the evidence to the Salt Lake City District Office where testing on the fentanyl was conducted. A blue M30 pill was tested and the results were presumptive positive for fentanyl. Agent Bender of State Bureau of Investigations conducted a test on the heroin; resulting in a presumptive positive test. These amounts of fentanyl and heroin are consistent with distribution and not personal use.

Conclusion

Based on the foregoing information, your affiant respectfully requests that a warrant of arrest be issued for RUTH MERY ARGUETA for violations of Title 21, United States Code, Section 841(a)(1) and Title 18, Section 924(c).

/s/ Graham Phillips
Graham Phillips
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me this 10 day of February, 2023.



CECILIA M. ROMERO
United States Magistrate Judge

APPROVED:

TRINA A. HIGGINS
United States Attorney

/s/ Vernon Stejskal
VERNON G. STEJSKAL
Assistant United States Attorney